

Serial No. 09/891,584
Art Unit No. 2154

REMARKS

Claims 1-7, 10-15, and 17-25 are pending in the patent application. The Examiner has rejected Claims 1-7, 10-15, and 17-25 under 35 USC 103(a) as being unpatentable over Dev in view of Chinta. For the reasons set forth below, Applicants believe that the claims as amended are patentable over the cited art.

The present invention teaches a system, method, and program storage device for providing variable frequency logging of activities in a distributed computing system comprising a plurality of computing locations. The distributed computing system has at least one message logger for monitoring messages and for generating message logger output and has at least one selectively-enabled trace logger. Logging is enabled selectively, in at least one trace logger, in response to message logger output regarding detection of a message level error indicative of some malfunction at one of the computing locations. When a trigger event, comprising a message level error, is detected at one of the computing locations, the location of the error is determined and logging of system activities by at least one trace logger is commenced for at least that determined

AUS920010284

-10-

Serial No. 09/891,584
Art Unit No. 2154

computing location until a stop event is detected (Claims 1, 12, and 21, and those claims which depend therefrom). Filtering of the logged system activities can be undertaken to determine corrective action (Claims 2-3, 13, and 24). In addition, mapping and tracing can be implemented to identify which computing locations are affected by the error, and logging can be commenced at the identified locations (Claims 5-7, 17-19). The amount of logging, or logging frequency, can be adjusted (Claims 4-5 and 20), the logging and tracing configuration for the entire distributed computing system can be dynamically adjusted (see: page 11, lines 1-2 and Claims 23-25), the adjustments can be gradually implemented (see: page 17, lines 3-5 and Claim 22), and, the adjustments can be based on retrieved predefined temporary logging information (Claims 10 and 11).

The Dev patent is directed to a network management system which uses "model-based intelligence" for fault isolation in a network. Under the Dev system, a virtual network model is created and, as explicitly taught in Col. 7 at lines 9-14, "the network entity being modeled is not capable of communicating its status to the network management system". The virtual network model has a model watch function and inference handlers which are triggered

AUS920010284

-11-

Serial No. 09/891,584
Art Unit No. 2154

when there is an event noted by a change in a watched attribute. Based on user settings for "minimum severity" or on the model type, the event may be ignored. If the event is not filtered out, it may be logged and sent to the user in an event message. Applicants do not agree with the Examiner's interpretation of the Dev teachings or with the application of the Dev teachings to the claim language.

The claims recite means and steps for detecting an event trigger comprising a message level error indicative of an error at a computing location based on message logger output. Dev does not teach a message logger and does not detect a message level error event trigger. Rather, Dev selectively acknowledges alarms in virtual network models. As Dev expressly teaches, the network entities which may be experiencing events are not capable of communicating status to the network management system. Accordingly, the network management system does not detect event triggers comprising message level errors based on message logger output.

The claims further recite means and steps for determining the computing location at which an error occurred. In contrast, Dev teaches that errors may be ignored, or filtered out, depending on the model type or the minimum severity level. Further, since Dev "isolates faults

AUS920010284

-12-

Serial No. 09/891,584

Art Unit No. 2154

using a technique known as status suppression" (Col. 10, lines 25-26), Dev does not determine the actual location, let alone a computing location as claimed, at which the error occurred.

With respect to the claim feature of means and steps for, responsive to the event trigger and the determined computer location, activating a temporary logging function starting logging by a respective selectively-enabled trace logger for logging system activities for at least said one computing location at which said error occurred so that a source of said error can be determined, the Examiner has cited the Dev teachings regarding inference handlers. At Col. 6, lines 10-28, Dev teaches that inference handlers may have outputs comprising attribute changes, creation or destruction of models, alarms or "any other valid output". Applicants respectfully assert that the listed outputs of change, creation, destruction and alarms are not logging functions. Moreover, the Examiner cannot rely on a "teachings" of "any other valid output" in rejecting specific claim language. The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination "must be based on objective evidence of record" and that "this precedent has

AUS920010284

-13-

Serial No. 09/891,584
Art Unit No. 2154

been reinforced in myriad decisions, and cannot be dispensed with." (In re Lee, 277 F. 3d 1338, 1343 (Fed. Cir. 2002)). Moreover, the Federal Circuit has stated that "conclusory statements" by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved "on subjective belief and unknown authority" (Id. at 1343-1344).

The other Dev teachings cited against the claimed activation of temporary logging is found in the claim in Col. 15, lines 28-38, at which Dev recites the functions of the inference handlers as "means for watching an attribute, means for generating a trigger in response to a change in the watched attribute, and means responsive to the trigger for producing a response in an object". None of the listed means comprises a temporary logging function. Accordingly, Applicants conclude that Dev does not teach the claimed means and step for activating a temporary logging function.

With regard to the claim feature of the step and means for logging system activities by the selectively-enabled trace logger, the Examiner has cited the teaching that a virtual network model has an event log, a statistic log and an alarm log. Applicants contend, however, that none of the

AUS920010284

-14-

Serial No. 09/891,584
Art Unit No. 2154

Dev logs comprises a selectively-enabled trace logger, as claimed.

The Examiner has acknowledged that Dev does not teach the claimed step and means for terminating logging of system activities based on detection of a stop event by selectively disabling the selectively-enabled trace logger. The Examiner has cited the Chinta patent for its teachings regarding termination of logging of a system's activities based on detection of a stop event. The Chinta patent teachings do not, however, teach or suggest disabling a selectively-enabled temporary logging function. Since neither Dev nor Chinta teaches the claimed features of detecting a message level event trigger from message logger output, determining the computing location at which an error occurred, activating a temporary logging function, selectively logging, and terminating the selectively-enabled temporary logging upon detection of a stop event, it cannot be maintained that the claims are obviated. For a determination of obviousness, the prior art must teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (In re Wilson, 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). If the cited

AUS920010284

-15-

Serial No. 09/891,584
Art Unit No. 2154

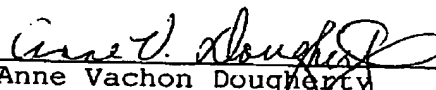
references fail to teach each and every one of the claim limitations, a *prima facie* case of obviousness has not been established by the Examiner.

Based on the foregoing remarks, Applicants respectfully request reconsideration of the amended claim language in light of the remarks, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,

L. Ullmann, et al

By:


Anne Vachon Dougherty
Registration No. 30,374
Tel. (914) 962-5910

AUS920010284

-16-